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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,296	02/26/2004	Nobuhiro Nishikawa	103213-00072	3437

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EXAMINER

NADAV, ORI

ART UNIT	PAPER NUMBER
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2811

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/786,296

Applicant(s)

NISHIKAWA ET AL.

Examiner

ori nadav

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Information Disclosure Statement

If applicant is aware of any relevant prior art, he/she requested to cite it on form PTO-1449 in accordance with the guidelines set forth in M.P.E.P. 609.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Heuner et al. (4,066,918).

Regarding claims 1 and 3, Heuner et al. teach in figure 2 and related text a semiconductor integrated circuit device comprising:

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A first MOS transistor N1 having a first backgate region 305, a first conductive region 233, and a second conductive region 235, and having the first backgate region and the first conductive region thereof connected together;

a second MOS transistor P1 having a second backgate region 330, a third conductive region 221, and a fourth conductive region 223, having the second backgate region and the third conductive region thereof connected to the first backgate region and the first conductive region of the first MOS transistor (via diode D5, see figure 1), and receiving at the fourth conductive region thereof a first direct-current voltage;

a voltage setting circuit R1 setting a second direct-current voltage fed to a gate of the second MOS transistor; and

an anti-reverse-current element D12, D22 receiving the first direct-current voltage or a third direct-current voltage produced from the first direct-current voltage, and connected to the voltage setting circuit in such a way as to prevent a reverse current from flowing through the voltage setting circuit, wherein the voltage setting circuit produces, according to the first direct-current voltage or the third direct-current voltage, the second direct-current voltage within a withstand voltage range of the second MOS transistor.

Note that the broad recitation of the claim does not require the second backgate region and the third conductive region thereof to be directly connected to the first backgate region, and does not require the first direct-current voltage to be a different voltage than the second direct-current voltage.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heuner et al. in view of McDaniel (5,243,236)

Regarding claim 2, Heuner et al. teach substantially the entire claimed structure, as applied to claim 1 above, except first and second MOS transistors having the same polarity.

McDaniel teaches in figure 5 first and second MOS transistors having the same polarity. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use first and second MOS transistors having the same polarity in Heuner et al.'s device in order to use the device in an application which requires two transistors of the same polarity.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heuner et al. in view of Stewart (3,967,295).

Regarding claim 4, Heuner et al. teach substantially the entire claimed structure, as applied to claim 1 above, except a voltage setting circuit being composed of voltage-division resistors.

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Stewart teaches in figure 3 a voltage setting circuit being composed of voltage-division resistors. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a voltage setting circuit being composed of voltage-division resistors in Heuner et al.'s device in order to better control the voltage distribution of the device.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heuner et al. and McDaniel, as applied to claims 1 and 2 above, and further in view of in view of Stewart (3,967,295).

Regarding claim 4, Heuner et al. and McDaniel teach substantially the entire claimed structure, as applied to claims 1 and 2 above, except a voltage setting circuit being having one end thereof grounded.

Stewart teaches in figure 3 a voltage setting circuit having one end thereof grounded. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a voltage setting circuit having one end thereof grounded in Heuner et al.'s device in order to better control the voltage distribution of the device.

Note that the broad recitation of the claim does not require the second backgate region and the third conductive region thereof to be directly connected to the first backgate region, and does not require the first direct-current voltage to be a different voltage than the second direct-current voltage.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References D-F are cited as being related to devices comprising backgate regions..

Papers related to this application may be submitted to Technology center (TC) 2800 by facsimile transmission. Papers should be faxed to TC 2800 via the TC 2800 Fax center located in Crystal Plaza 4, room 4-C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 2811 Fax Center number is (703) 308-7722 and 308-7724. The Group 2811 Fax Center is to be used only for papers related to Group 2811 applications.

Any inquiry concerning this communication or any earlier communication from the Examiner should be directed to *Examiner Nadav* whose telephone number is **(571) 272-1660**. The Examiner is in the Office generally between the hours of 7 AM to 4 PM (Eastern Standard Time) Monday through Friday.

Any inquiry of a general nature or relating to the status of this application should be directed to the **Technology Center Receptionists** whose telephone number is **308-0956**



O.N.
9/18/04

ORI NADAV
PRIMARY EXAMINER
TECHNOLOGY CENTER 2800